IN THE HIGH COURT OF UTTRANCHAL AT NAINITAL

Writ Petition No. 355 of 2006 (S/B)

Sudama Prasad Gupta S/o Late Sri Nomi Ram,
R/o 116 Rishilok Colony,
Rishikesh, District Dehradun. …… Petitioner

Versus

1. State of Uttaranchal through Secretary,
   Horticulture & Food Processing Department,
   Civil Secretariat, Dehradun.
2. Secretary,
   Horticulture & Silk Section,
   Horticulture & Food Processing Department,
   Uttaranchal, Dehradun. ……. Respondents

Mr. Ramji Srivastava, Advocate for the petitioner.
Mr. Nanak Chand Gupta, Standing Counsel for the respondents.

JUDGMENT

Coram: Hon'ble Rajeev Gupta, C.J.
Hon'ble J.C.S. Rawat, J.

RAJEEV GUPTA, C.J. (Oral)

Mr. Ramji Srivastava, Advocate for the petitioner.

Mr. Nanak Chand Gupta, Standing Counsel for the respondents.

They are heard on admission.

2. Petitioner Sudama Prasad Gupta has filed this writ petition for the following reliefs:

> "i. issue a writ, order or direction in the nature of Certiorari, calling for the records and quashing the impugned order of transfer dt. 27.11.2006 (Annexure No. 4 to the writ petition), passed by Secretary, Horticulture and Silk Section, Horticulture and Food Processing Department, Uttaranchal, Dehradun- respondent no. 2.
>
> ii. pass any other and further orders, which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.
>
> iii. award the cost of writ petition to the petitioner."

3. The petitioner, in substances, is challenging the impugned order dated 27.11.2006 (Annexure No. 4), whereby the earlier order dated 14.11.2006 (Annexure No. 3) was superseded and one Hitpal Singh, Superintendent, Government Garden, Dunagiri was entrusted with the additional charge of District Horticulture Officer, Haridwar.

4. It is not in dispute that petitioner Sudama Prasad Gupta joined as Junior Flower Scientist Grade II, Directorate Chobatia (Almora) in compliance of the order dated 11.10.2006 passed on his promotion. The petitioner was entrusted with the additional charge of District Horticulture Officer, Haridwar vide order dated 14.11.2006, which has been superseded by the impugned order dated 27.11.2006.

5. On a perusal of the orders dated 14.11.2006 and 27.11.2006, it becomes apparent that the petitioner was never transferred from his present place of posting Chobatia (Almora) to District Horticulture Officer, Haridwar and what was contemplated vide order dated 14.11.2006 (Annexure No. 3) was only that the petitioner will hold additional charge of District Horticulture Officer, Haridwar on account of the holder of the said post remaining on leave.

6. In this view of the matter, we do not find any infirmity in the impugned order dated 27.11.2006 (Annexure No. 4), which may warrant interference in this writ petition.

7. The writ petition, therefore, is liable to be dismissed and is hereby dismissed summarily.

8. Consequently, CLMA No. 14477 of 2006 also stands dismissed.

(J.C.S. Rawat, J.) **(Rajeev Gupta, C.J.)**
01.12.2006 01.12.2006

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